

1 Scott R. Mosko (State Bar No. 106070)  
2 FINNEGAN, HENDERSON, FARABOW,  
3 GARRETT & DUNNER, L.L.P.  
4 Stanford Research Park  
5 3300 Hillview Avenue  
6 Palo Alto, California 94304  
7 Telephone: (650) 849-6600  
8 Facsimile: (650) 849-6666

9 Attorneys for Defendants  
10 Pacific Northwest Software, Inc. and  
11 Winston Williams

12  
13 UNITED STATES DISTRICT COURT  
14  
15 NORTHERN DISTRICT OF CALIFORNIA  
16  
17 SAN JOSE DIVISION

18 FACEBOOK, INC. and MARK ZUCKERBERG,

19 Plaintiffs,

20 v.

21 CONNECTU LLC, (now known as CONNECTU  
22 INC.) CAMERON WINKLEVOSS, TYLER  
23 WINKLEVOSS, DIVYA NARENDRA,  
24 PACIFIC NORTHWEST SOFTWARE, INC.,  
25 WINSTON WILLIAMS, WAYNE CHANG, and  
26 DAVID GUCWA, and DOES 1-25,

27 Defendants.  
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CASE NO. C 07-01389 RS

**DEFENDANTS' OBJECTIONS TO  
PLAINTIFFS' PROPOSED EVIDENCE  
SUBMITTED IN SUPPORT OF ITS  
OPPOSITION TO MOTION TO  
DISMISS FOR LACK OF PERSONAL  
JURISDICTION.**

Date: July 11, 2007  
Time: 9:30 a.m.  
Dept.: 4  
Judge: Honorable Richard Seeborg

Plaintiffs submitted 35 exhibits in support of their opposition to Defendants' Motion to Dismiss for Lack of Personal Jurisdiction. Below, Defendants submit a chart listing certain exhibits, and raising objections to them. When a defendant asserts that a court cannot assert personal jurisdiction over him, the plaintiff has the burden to submit competent non-hearsay prima facie evidence that would support a finding for the assertion of personal jurisdiction. *Calloway Golf Association v. Royal Canadian Golf Association*, 125 F.Supp.2d 1194, 1202 (C.D.Cal. 2000) "Prima facie" means "substantial independent evidence, other than hearsay." *United States v. Dixon*, 562 F.2d 1138, 1141 (9<sup>th</sup> Cir. 1977) citing *United States v. Calaway*, 524 F.2d 609, 612 (9<sup>th</sup> Cir. 1975). The exhibits referenced below do not and cannot qualify as "prima facie" evidence supporting the assertion of jurisdiction over moving Defendants.

Plaintiffs' Submitted Proposed Evidence.	Objections to Proposed Evidence.
Cooper Dec. Ex. 2 - email from Adam Philip Scheider to Mark Zuckerberg, dated February 29, 2004, Bates labeled FACE000897-99	Hearsay; lacks foundation. Plaintiffs fail to authenticate this document. This document is irrelevant to the issues related to personal jurisdiction. It further fails to tie any alleged acts to moving Defendants.
Cooper Dec. Ex. 5 - February 24, 2005 Harvard Crimson article, Bates labeled C006186-96	Hearsay; lacks foundation. Plaintiffs fail to authenticate this document. This document is irrelevant to the issues related to personal jurisdiction. It further fails to tie any alleged acts to moving Defendants.
Cooper Dec. Ex. 6 - July 2, 2005 Wired article titled "Finding Friends with Facebook"	Hearsay; lacks foundation. Plaintiffs fail to authenticate this document. This document is irrelevant to the issues related to personal jurisdiction. It further fails to tie any alleged acts to moving Defendants.
Cooper Dec. Ex. 10 - documents produced by iMarc in the Massachusetts matter on September 26, 2006, Bates labeled iMarc000012, iMarc000622-24, iMarc000659, iMarc000798	Each document in Exhibit 10 is hearsay, lacks foundation and is unauthenticated. There is no expert testimony providing any opinion regarding these documents. Specifically, regarding the print out of what appears to be an email from David Tufts to <a href="mailto:nick@imarc.net">nick@imarc.net</a> and <a href="mailto:marc@imarc.net">marc@imarc.net</a> . (Cooper Decl. Exh.

1		10) Plaintiffs fail to provide any foundation as to who these people are. The statements in this email are pure hearsay. While the print out identifies what appears to be over 500 email addresses, there is no competent evidence or foundation that ties this document to moving Defendants, or that moving Defendants had any involvement with unsupported claims made in this document.
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7	Cooper Dec. Ex. 14 - documents produced by ConnectU in the Massachusetts matter, Bates labeled C003865-69, C004243, C004299-300, C006535-36, C006537, C007512-7517, C008392, C008657, C008658, C008662, C008674, C009768-69, C009887-96, C010359, C011039-40, C011073-82	Hearsay; lacks foundation. Plaintiffs fail to authenticate this document. This document is irrelevant to the issues related to personal jurisdiction. It further fails to tie any alleged acts to moving Defendants.
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11	Cooper Dec. Ex. 18 - documents produced by David Gucwa on March 12, 2007, Bates labeled GUCWA0018-26; 0048, 0056-63, 0075-115, 0117, 0124, 0134	Hearsay; lacks foundation. Plaintiffs fail to authenticate this document. This document is irrelevant to the issues related to personal jurisdiction. It further fails to tie any alleged acts to moving Defendants.
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14	Cooper Dec. Ex. 19 - documents produced by Pacific Northwest Software, Bates labeled PNS000015-16, PNS000226, PNS000386-90, PNS000398-400, PNS000441, PNS000768-70, PNS000842-43, PNS001144-49, PNS001215-16, PNS001238-39, PNS001759-65, PNS01766-77, PNS01844-56, PNS01848, PNS02096, PNS0281469-73., PNS0310177-79, PNS0310185-86, PNS0310455, PNS0571134-49	Each document in Exhibit 10 is hearsay, lacks foundation and is unauthenticated. There is no expert testimony providing any opinion regarding these documents. Specifically, regarding certain pages of what appears to be computer script that are unauthenticated and lack foundation. (Cooper Decl. Exh. 19, at 310177, 310455, 310185 - 86, 310177 - 79, 281469 - 73) There is no evidence this script was run, or that moving Defendants had anything to do with it. Plaintiffs conclusions as to the effect of this script are unsupported and lack foundation.
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23	Cooper Dec. Ex. 20 - Wayne Chang's profile on www.linkedin.com indicating that he joined Pacific Northwest Software in 2002; emails authored in 2003 by Chang on behalf of Pacific Northwest Software, and printouts from Pacific Northwest Software's website from 2004 through the present showing Chang was employed by Pacific Northwest Software during this period	Hearsay; lacks foundation. Plaintiffs fail to authenticate this document. This document is irrelevant to the issues related to personal jurisdiction. It further fails to tie any alleged acts to moving Defendants.
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1	Cooper Dec. Ex. 24 - "contact us" page at	Hearsay; lacks foundation. Plaintiffs fail
2	www.webquarry.com, indicating it is a California	to authenticate this document. This
3	company	document is irrelevant to the issues
4		related to personal jurisdiction. It further
5	Cooper Dec. Ex. 25 - documents produced by ConnectU,	fails to tie any alleged acts to or show
6	Bates labeled CUCA001380-83	that any information in this document
7		was known by moving Defendants.
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9	Cooper Dec. Ex. 26 - documents produced by ConnectU,	Hearsay; lacks foundation. Plaintiffs fail
10	Bates labeled CUCA000172 and CUCA02972	to authenticate this document. This
11		document is irrelevant to the issues
12		related to personal jurisdiction. It further
13	Cooper Dec. Ex. 27 - Pacific Northwest Software	fails to tie any alleged acts to moving
14	homepage at <a href="http://www.pnwsoft.com">www.pnwsoft.com</a>	Defendants.
15	Cooper Dec. Ex. 28 - "Our People" page at	Hearsay; lacks foundation. Plaintiffs fail
16	www.recordsportal.com/content/people.html	to authenticate this document. This
17		document is irrelevant to the issues
18		related to personal jurisdiction. It further
19		fails to tie any alleged acts to moving
20	Cooper Dec. Ex. 29 - printout from	Defendants.
21	www.000domains.com showing that Pacific Northwest	Hearsay; lacks foundation. Plaintiffs fail
22	Software is the administrative and technical contact for	to authenticate this document. This
23	the Records Portal domain at	document is irrelevant to the issues
24	<a href="https://secure.reisterapi.com/services/whois.php">https://secure.reisterapi.com/services/whois.php</a>	related to personal jurisdiction. It further
25		fails to tie any alleged acts to moving
26	Cooper Dec. Ex. 30 - press release from Pacific	Defendants.
27	Northwest Software's website announcing its	Hearsay; lacks foundation. Plaintiffs fail
28	development deal with Chula Vista Elementary School	to authenticate this document.
	District at <a href="http://www.pnswsoft.com/?page=pr/072605">www.pnswsoft.com/?page=pr/072605</a> , dated	
	July 26	
	Cooper Dec. Ex. 31- press release from Pacific	Hearsay; lacks foundation. Plaintiffs fail
	Northwest Software's website Examcrackers at	to authenticate this document.
	<a href="http://www.pnwsoft.com/?page=pr/010606">www.pnwsoft.com/?page=pr/010606</a> , dated January 1,	
	2006	
	Cooper Dec. Ex. 32 - press release from Pacific	Hearsay; lacks foundation. Plaintiffs fail
	Northwest Software's website announcing its	to authenticate this document.
	development deal with Know the Course at	
	<a href="http://www.pnwsoft.com/?page=pr/031406">www.pnwsoft.com/?page=pr/031406</a> , dated March 14,	
	2006	

1 2 3	Cooper Dec. Ex. 33 - press release from Pacific Northwest Software's website announcing its development deal with City Ticket Exchange at <a href="http://www.pnwsoft.com/?page=pr/081006">www.pnwsoft.com/?page=pr/081006</a> , dated August 10, 2006	Hearsay; lacks foundation. Plaintiffs fail to authenticate this document.
4 5 6	Cooper Dec. Ex. 34 - Google, Inc. Advertising Program Terms at <a href="https://adwords.google.com.select/TCUbilling0806.html">https://adwords.google.com.select/TCUbilling0806.html</a> , dated August 22, 2006	Hearsay; lacks foundation. Plaintiffs fail to authenticate this document. This document is irrelevant to the issues related to personal jurisdiction. It further fails to tie any alleged acts to moving Defendants.
7 8 9 10	Cooper Dec. Ex. 35 - Craigslist Terms of Use page at <a href="http://www.craigslist.org/about/terms.of.use.html">www.craigslist.org/about/terms.of.use.html</a>	Hearsay; lacks foundation. Plaintiffs fail to authenticate this document. This document is irrelevant to the issues related to personal jurisdiction. It further fails to tie any alleged acts to moving Defendants.

Respectfully submitted,

Dated: July 6, 2007

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: \_\_\_\_\_/s/  
Scott R. Mosko  
Attorneys for Pacific Northwest Software  
Inc. and Winston Williams